

SECTION XVII
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No. 5882 OF 2015

with

CIVIL APPEAL NOS. 5911,5929,5930,5931, 5957,5996, 5997, 5998, 6002, 6003,
6004,6010, 6011 and 6012 OF 2015

With

INTERLOCUTORY APPLICATION NO. 1 OF 2015 AND 2 OF 2016

(Application for Stay and amendment of cause title)

and

CIVIL APPEAL NO. 5909 , 5934 and 6009 OF 2015

With

INTERLOCUTORY APPLICATION NO. 1 OF 2015

(Application for Stay)

and

CIVIL APPEAL NOS. 6183-6255 OF 2015

With

INTERLOCUTORY APPLICATION Nos. 74-146 and 147-219 OF 2015

(Application for seeking permission to raise additional grounds and stay)

and

CIVIL APPEAL NOS. 6328-6399 OF 2015

With

INTERLOCUTORY APPLICATION NO.1-72, 73-144 OF 2015 and 145-216 and
217-227 of 2016

(Application for Stay, Impleadment and Amendment of cause title)

and

CIVIL APPEAL NOS. 5832-5852 OF 2015

and

CIVIL APPEAL NOS. 6888-6895 OF 2015

With

INTERLOCUTORY APPLICATION NOS. 9-16, 17-24 and 25-32 of 2015

(Application for exemption from certified copy, stay and an addl. documents)

and

CIVIL APPEAL NOS. 8493-95 and 8496-8505 of 2015

With

INTERLOCUTORY APPLICATION NOS. 7-9 and 31-40 of 2015

(Application for permission to file additional documents)

and

CIVIL APPEAL NOS. 8506 - 30 of 2015

With

INTERLOCUTORY APPLICATION NOS. 26- 50 and 51 - 75 of 2015

(Application for Stay and permission to file additional documents)

and

CIVIL APPEAL NOS. 8009-8017 of 2015
With
INTERLOCUTORY APPLICATION NOS. 1-9 and 10-18 of 2015 and 19-23 of 2016
(Application for Stay and amendment of cause title)
and
CIVIL APPEAL NO. 13538,13550, 13574, 13584, 13585, 13586, 13587, 13588, 13590, 13591, 13592, 13593, 13680, 13681, 13697, 13698 and 13699 OF 2015
With
INTERLOCUTORY APPLICATION NOS. 1 OF 2015 AND 2 OF 2016
(Application for Stay and amendment of cause title)
AND
CIVIL APPEAL NOS. 13581-82 OF 2015
WITH
INTERLOCUTORY APPLICATION NOS. 1-2 OF 2015
(Application for Stay)
AND
CIVIL APPEAL NOS. 13595-96 OF 2015
WITH
INTERLOCUTORY APPLICATION NOS. 1-2 OF 2015 AND 3-4 of 2016
(Application for Stay and amendment of cause title)
AND
CIVIL APPEAL NOS. 13705-13711 OF 2015
WITH
INTERLOCUTORY APPLICATION NOS. 1-7 OF 2015 AND 8- 12 of 2016
(Application for Stay and amendment of cause title)
and
CIVIL APPEAL NO. 344, 493, 497 and 498 OF 2016
WITH
INTERLOCUTORY APPLICATION NOS. 2, 3 and 4 OF 2016
(Application for exemption from filing certified copy, stay and additional documents)
and
CIVIL APPEAL NO. 14624 OF 2015
WITH
INTERLOCUTORY APPLICATION NOS. 2 and 3 2015
(Application for exemption from filing certified copy and stay)
and
CIVIL APPEAL NO. 3099 OF 2016
WITH
INTERLOCUTORY APPLICATION NOS. 2, 4 and 5 2016
(Application for Stay, Directions and permission to file additional documents)
and
CIVIL APPEAL NOS. 6022-6044 OF 2016
WITH
INTERLOCUTORY APPLICATION NOS. 47-69, 70-92 and 93-111 2016
(Application for Stay, permission to file lengthy list of dates and amendment of cause title)

M/S Vodafone West Ltd. & Etc.

...Appellants

VERSUS

UOI, Department of Telecommunications & Etc.

...Respondents

OFFICE REPORT

The application for early hearing in Civil Appeal Nos. 6183- 6255 of 2015 were listed before the Hon'ble Court on 26.09.2016, When the Court was pleased to pass the following order:

“According to the office report is appears that a large number of appeals raising common questions of law are pending in this Court in which although service is complete but no counter affidavits have been filed. Learned counsel appearing for some of the respondents-company submits that the Registry could be directed to take up these matters next week so that counter affidavits wherever required could be filed by the respondents concerned and the process be completed to enable this Court to take up these matters. We see no reason to decline that prayer.

We accordingly direct the Registrar to consolidate all these appeals and list them for completion of pleadings on 03.10.2016. The Registrar shall grant one final opportunity to all the respondents in these appeals to file their counter affidavits within 10 days and rejoinder affidavit to the same within one week thereafter and submit a report regarding completion of the pleadings for direction before this Court on 24.10.2016.

List this application on 24.10.2016 along with all connected appeals mentioned above.”

It is submitted that this is a group of 54 matters. Service position in all the matters is detailed for complete and incomplete matters separately.

Service complete Matters

<u>S.No.</u>	<u>Civil Appeal Nos.</u>	<u>Service Position</u>	<u>Status of Pleadings</u>
1	5882/2015	Sole respondent represented by D.S. Mahra	Counter affidavit not filed
2	5911/2015	Service Complete on sole respondent but no one has filed vakalatnama	-
3	5929/2015	Service Complete on sole respondent but no one has filed vakalatnama	-
4	5930/2015	Service Complete on sole respondent but no one has filed vakalatnama	-

5	5931/2015	Service Complete on sole respondent but no one has filed vakalatnama	-
6	5934/2015	Service Complete on sole respondent but no one has filed vakalatnama	-
7	5957/2015	Sole respondent represented by D.S. Mahra	Counter affidavit not filed
8	5832-52/2015	Sole respondent represented by D.S. Mahra	Counter affidavit not filed
9	5909/2015	Sole respondent represented by D.S. Mahra	Counter affidavit not filed
10	6002/2015	Sole respondent represented by D.S. Mahra	Counter affidavit not filed
11	5997/2015	Sole respondent represented by D.S. Mahra	Counter affidavit not filed
12	6003/2015	Respondent Nos. 1 & 2 represented by Mr. D.s. Mahra and Mr. Mohit Paul	Counter affidavit not filed
13	6004/2015	Respondent Nos. 1 & 2 represented by Mr. D.s. Mahra and Mr. Mohit Paul	Counter affidavit not filed
14	6012/2015	Sole respondent represented by D.S. Mahra	Counter affidavit not filed
15	6010/2015	Sole respondent represented by D.S. Mahra	Counter affidavit not filed
16	6009/2015	Sole respondent represented by D.S. Mahra	Counter affidavit not filed
17	5998/2015	Sole respondent represented by D.S. Mahra	Counter affidavit not filed
18	6011/2015	Sole respondent represented by D.S. Mahra	Counter affidavit not filed
19	5996/2015	Sole respondent represented by D.S. Mahra	Counter affidavit not filed
20	8493-8495/2015	Sole respondent represented by D.S. Mahra	Counter affidavit not filed
21	8496-8505/2015	Sole respondent represented by D.S. Mahra	Counter affidavit not filed
22	8506-8530/2015	Sole respondent represented by D.S. Mahra	Counter affidavit not filed

23	6888-6895/2015	Sole respondent represented by D.S. Mahra	Counter affidavit not filed
24	13550/2015	Service Complete on sole respondent but no one has filed vakalatnama	-
25	13574/2015	Service Complete on sole respondent but no one has filed vakalatnama	-
26	13581-582/2015	Service Complete on sole respondent but no one has filed vakalatnama	-
27	13586/2015	Service Complete on sole respondent but no one has filed vakalatnama	-
28	13587/2015	Service Complete on sole respondent but no one has filed vakalatnama	-
29	13588/2015	Service Complete on sole respondent but no one has filed vakalatnama	-
30	13590/2015	Service Complete on sole respondent but no one has filed vakalatnama	-
31	13591/2015	Service Complete on sole respondent but no one has filed vakalatnama	-
32	13592/2015	Service Complete on sole respondent but no one has filed vakalatnama	-
33	13593/2015	Service Complete on sole respondent but no one has filed vakalatnama	-
34	13595-596/2015	Service Complete on sole respondent but no one has filed vakalatnama	-
35	13680/2015	Service Complete on sole respondent but no one has filed vakalatnama	-
36	13681/2015	Service Complete on sole respondent but no one has filed vakalatnama	-
37	13697/2015	Service Complete on sole respondent but no one has	-

		filed vakalatnama	
38	13698/2015	Service Complete on sole respondent but no one has filed vakalatnama	-
39	13699/2015	Service Complete on sole respondent but no one has filed vakalatnama	-
40	13705-13711/2015	Service Complete on sole respondent but no one has filed vakalatnama	-
41	13538/2015	Service Complete on sole respondent but no one has filed vakalatnama	-
42	13585/2015	Service Complete on sole respondent but no one has filed vakalatnama	-
43	498/2016	Sole respondent represented by D.S. Mahra	Counter affidavit not filed
44	497/2016	Sole respondent represented by D.S. Mahra	Counter affidavit not filed
45	493/2016	Sole respondent represented by D.S. Mahra	Counter affidavit not filed
46	344/2016	Sole respondent represented by D.S. Mahra	Counter affidavit not filed

Service Incomplete matters

CIVIL APPEAL Nos. 6183-6255 OF 2015

It is submitted that notice was issued on 23.11.2015 to all the respondents through registered A.D. Mr. Kishore Kunal, Mr. Abhijat P. Medh, Mr. Sunil Kr. Jain, Mr. Harsh Kaushik , Mr. E.C. Agrawala and Mr. Pukhramabam Ramesh Kumar have entered appearance on behalf of sole respondent in Appeal nos. 6213; 6214; 6195 to 6201; 6236 & 6237; 6212 of 2015 and 6221 to 6235, 6242 to 6253 of 2015 respectively. Duly signed A.D. Card has been received back in respect of sole respondent in Appeal nos. 6183 to 6194, 6215 and 6216 of 2015 but no one has entered appearance on its behalf. Unserved cover have been received back in respect of Common sole respondent in Appeal nos. 6209, 6210 and 6255, sole respondent in Appeal no. 6211 of 2015 of 2015 with remarks as “Left”. Mr. Faisal Sherwani, Advocate has filed vakalatnama on behalf of sole

respondent in Appeal Nos. 6238 to 6241 of 2015 but the same is defective as the rubber stamp of company is not affixed on the vakalatnama. Neither A.D. Card nor unserved cover have been received back in respect of remaining respondents. Service is incomplete in Appeal Nos. 6202 to 6211, 6217 to 6220, 6238 to 6241, 6254 and 6255 of 2015.

However, Sole respondent in Appeal Nos. 6202 to 6208 and 6217 to 6220 of 2015 is represented in connected Appeal No. Civil Appeal 6888-6895 of 2015 and Civil Appeal No. 493 of 2016 through Mr. E.C. Agarwala and Mr. Gautam Narayan, Advocates respectively.

CIVIL APPEAL Nos. 6328-6399 OF 2015

It is submitted that notice was issued on 19.11.2015 to all the respondents **Civil Appeal 6888-6895 of 2015** through registered A.D. Mr. Kishore Kunal, Mr. Abhijat P. Medh, Mr. Sunil Kr. Jain, Ms. Bina Gupta and Mr. E.C. Agrawala, Advocates have entered appearance on behalf of sole respondent in Appeal nos. 6336, 6337, 6351, 6357 to 6367, 6328, 6339, 6440, 6348, 6353, 6329, 6356, 6392 to 6399 of 2015 respectively. Duly signed A.D. Card has been received back in respect of sole respondent in Appeal nos. 6330 and 6350 of 2015 but no one has entered appearance on its behalf. Unserved covers have been received back in respect of sole respondent in Appeal nos. 6336, 6352, 6341 to 6343 with remarks as “Left”. Neither A.D. Card nor unserved cover have been received back in respect of sole respondent in Appeal Nos. 6331-6335, 6342 to 6347, 6349, 6354, 6355, 6368 to 6391. Service is incomplete.

However, Sole respondent in Appeal Nos. 6331-6335, 6347, 6354, 6380 to 6391 of 2015 (Bharti Airtel Ltd.) is represented in connected Appeal No. 6183-6255 of 2015 through Mr. Harsh Kaushik, Advocate and sole respondents in Appeal Nos. 6344 to 6346 of 2015 are common with the appellant in connected Civil Appeal 6888-6895 of 2015 which are represented by Mr. E.C. Agarwala, Advocate.

It is further submitted that Counsel for the appellant has on 05.05.2016 filed reply in I.A. Nos. 145-216 of 2016 (Application for Impleadment).

It is further submitted that Counsel for the appellant has on 28.07.2016 filed application for amendment of Cause title in Appeal Nos. 6336, 6337, 6358 to 6362 and

6364 to 6367 of 2016 which are registered as I.A. Nos. 217-227 of 2016

CIVIL APPEAL NOs. 8009-8017 of 2015

It is submitted that notice was issued to the sole respondent in all these appeals through registered A.D. Mr. Kishore Kunal, Advocate has filed vakalatnama on behalf of Sole respondent in Appeal nos. 8010 to 8015 but has not filed counter affidavit. Mr. Rameshwar prasad Goyal, Advocate has filed vakalatnama on behalf of sole respondent in Appeal no. 8016 of 2015 and has also filed counter affidavit . Duly signed A.D. card in respect of sole respondent in Appeal No. 8009 and 8017 of 2015 is awaited. Service is incomplete. Service is incomplete on sole respondent in Appeal No. 8009 and 8017 of 2015. **However these respondents are common with the appellant in connected Civil Appeal Nos. 8506-8530 of 2015 and 6888-6895 of 2015 which are represented by Mr. E.C.Agarwala, Advocate.**

It is further submitted that Counsel for the appellant has filed application for amendment of Cause title in Appeal Nos. 8010,8011,8013 to 8015 which are registered as I.A. Nos. 19-23 of 2016.

CIVIL APPEAL NO. 14624 OF 2015

It is submitted that notice was issued to all the seven respondents. Respondent no. 1 in the matter is represented by Mr. D.S. Mahra, Advocate. Neither A.D. Card nor unserved cover have been received back in respect of respondent no. 2 to 7. Service is incomplete.

It is further submitted that Respondent nos. 3, 5 and 7 in this appeal are common with the respondent No. 2 in connected Appeal No. 6003 of 2015 and appellant in connected appeal nos. 8493-8495 and 8496-8505 of 2016 represented by Mr. Mohit Paul and Mr. Abhijat P. Medh, Advocates.

Civil Appeal no. 3099 of 2016

It is submitted that notice was issued on 18.03.2016 to all the three respondents through registered A.D. Neither A.D. Card nor unserved cover have been received back in respect of these three respondents. However, respondent no. 1 in this matter is common with the appellant in connected matter Civil Appeal nos. 6183-6255 of 2015 which is represented by Mr. D.S. Mahra, Advocate. Service is incomplete.

It is further submitted that Ms. Anjani Aiyagiri, Advocate has on 01.06.2016 filed

vakalatnama on behalf of the appellant after obtaining NOC from erstwhile advocate and has also filed application for directions and permission to file additional documents which are registered as I.A. Nos. 4 & 5 of 2016.

Civil Appeal nos. 6022-6044 of 2016

It is submitted that notice was issued on 22.07.2016 to the sole respondent in all these appeals through registered A.D. Mr. Kishore Kunal, Advocate has filed vakalatnama on behalf of sole respondent in Appeal Nos. 6022 to 6042 of 2016 but has not filed counter affidavit. Duly signed A.D. Card in respect of Sole respondent in Appeal No. 6044 of 2016 has been received but no one has entered appearance on its behalf. Unserved cover in respect of sole respondent in Appeal No. 6043 of 2016 **(M/s Loop Mobile (India) Ltd.) has been received back with remarks "Left"**. Service is incomplete on sole respondent in Appeal No. 6043 of 2016.

It is further submitted that Counsel for the appellant has on 28.07.2016 filed application for amendment of Cause title in Appeal Nos. 6022 to 6028, 6030 to 6038 and 6040 to 6042 of 2016 which are registered as I.A. Nos. 93-111 of 2016.

<u>S.No.</u>	<u>Civil Appeal Nos.</u>	<u>Service Position</u>	<u>Status of Pleadings</u>
1	13584/2015	Incomplete. Service incomplete on respondent No. 2 .	Counter affidavit not filed by represented respondent
2	6328-6399/2015	Incomplete Service incomplete on sole repondent in AppealNos. 6331- 6335, 6342 to 6347, 6349, 6354, 6355, 6368 to 6391.	Counter affidavit not filed by represented respondents
3	8009-8017/2015	Incomplete. Service incomplete on sole respondent in Appeal Nos. 8009 and 8017 of 2015.	Counter affidavit filed by sole respondent in Appeal No. 8016 only
4	14624/2015	Incomplete. Service incomplete on respondent Nos. 2 to 7 .	Counter affidavit not filed by represented respondents
5	6183-6255/2015	Incomplete. Service is incomplete in Appeal Nos. 6202 to 6211,6217 to 6220,6238 to	Counter affidavit filed by Respondent in Appeal No. 6213 only

		6241, 6254 and 6255 of 2015.	
6	3099/2016	Incomplete Service incomplete on respondent Nos. 1 to 3	-
7	6022-6044/2016	Incomplete Service incomplete on sole respondent in 6044 of 2015	Counter affidavit not filed by represented respondents

The matters above-mentioned are listed before the Ld. Registrar Court with this office report.

DATED THIS THE 01st DAY OF OCTOBER, 2016.

ASSISTANT REGISTRAR

Copy to: Mr. Kishore Kunal, Advocate
 Mr. Abhijat P. Medh, Advocate
 Mr. Sunil Kr. Jain, Advocate
 Mr. Harsh Kaushik, Advocate
 Mr. E.C. Agarwala, Advocate
 Mr. Pukhramabam Ramesh Kumar, Advocate
 Mr. D.S. Mahra, Advocate
 Mr. Rahul Narayan, Advocate
 Mr. Gautam Narayan, Advocate
 Ms. Anjani Aiyagiri, Advocate
 Ms. Bina Gupta, Advocate
 Mr. Mohit Paul, Advocate
 Mr. K.R. Sasi Prabhu, Advocaee

ASSISTANT REGISTRAR